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Attorneys for Defendant
ALLSTATE INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KATTY VALLE, IVANIA RAMIREZ,
JANET RAMIREZ and ZENEYDA
BALTOANO,

Plaintiffs,

vs.

ALLSTATE INSURANCE COMPANY,

Defendants.

No. C 08 01533 CRB

JOINT CASE MANAGEMENT
CONFERENCE STATEMENT

Date: June 27, 2008
Time: 8:30 a.m.
Place: Courtroom 8, 19th Floor
Before: Hon. Charles R. Breyer

1 Pursuant to Federal Rule of Civil Procedure 26(f) and Civil L.R. 16-9(a), the parties
2 submit this Joint Case Management Statement with respect to the Case Management Conference
3 set for June 27, 2008, and request that the Court adopt it as the Case Management Order.

4 **1. Jurisdiction and Service:**

5 Plaintiffs Katty Valle, Ivania Ramirez, Janet Ramirez, and Zeneyda ("Plaintiffs") filed
6 this action in San Mateo County Superior Court. Allstate Insurance Company ("Allstate")
7 subsequently removed it to this Court pursuant to 28 U.S.C. sections 1441(a) and 1446. This
8 Court has original jurisdiction over the Superior Court Action under 28 U.S.C. section 1332.
9 Plaintiffs and Allstate are citizens of different states and the amount in controversy exceeds
10 \$75,000, exclusive of interest and costs.

11 All parties have been served.

12 **2. Facts:**

13 Allstate issued an automobile policy to named insureds Rafael and Katty Valle, which
14 was in effect on or about December 18, 2004 (the "Policy"). On or about December 18, 2004,
15 Plaintiffs were involved in a car accident when they were rear-ended by an underinsured
16 motorist. Following the car accident, Plaintiffs settled with the underinsured motorist and his
17 auto-liability carrier for his policy limits. Subsequently, Plaintiffs made a claim to Allstate
18 under the Policy's underinsured motorist provision. Plaintiffs and Allstate agreed to arbitration
19 under the governing Policy provisions.

20 Plaintiffs assert Allstate failed to participate in arbitration. Allstate asserts Plaintiffs
21 failed to participate in discovery. This action followed. In their complaint, Plaintiffs seek an
22 order to compel arbitration and assert a cause of action against Allstate for breach of the implied
23 covenant of good faith and fair dealing.

24 **3. Legal Issues:**

25 One or more party contends the following legal issues are in dispute:

- 26 a. Whether Allstate breached the implied covenant of good faith and fair dealing.
27 b. Whether there are any facts to support a claim for punitive damages.
28

1 **4. Motions:**

2 a. Absent a stipulation from the parties to stay the case, Allstate will file a motion stay
3 the “bad faith” claims pending completion of arbitration; and

4 b. Allstate will file a motion for summary judgment or adjudication of the issues.

5 **5. Amendment of Pleadings:**

6 The parties do not anticipate amending the pleadings at this time.

7 **6. Evidence Preservation:**

8 The parties have taken appropriate steps to ensure the preservation of evidence.

9 **7. Disclosures:**

10 The parties will serve their initial disclosures on or before June 18, 2008.

11 **8. Discovery:**

12 The parties plan to conduct discovery regarding all allegations in the complaint. The
13 parties anticipate propounding written discovery and deposing the parties and other relevant
14 witnesses. The parties do not believe any modification to the Federal Rules is necessary at this
15 time.

16 **9. Related Cases:**

17 There are no currently pending related cases.

18 **10. Relief:**

19 Plaintiffs’ Statement

20 Plaintiff seeks the appointment of Richard Hodge as the arbitrator to decide the
21 underlying case as was previously stipulated by the parties. Plaintiff further seeks an order that
22 the arbitration be completed within 120 days and that the scope of discovery should be limited
23 as plaintiffs have already given their deposition and attended defense medical examinations and
24 given related reports including provided expedited subpoenas and informal discovery.

25 Allstate’s Statement

26 Allstate currently seeks no relief.
27
28

11. Settlement and ADR:

The parties agree to participate in early neutral evaluation, and filed an ADR stipulation on June 4, 2008. If the non-arbitration related claims are stayed, the parties request ADR be stayed until after the arbitration.

12. Consent to Magistrate:

Allstate filed its declination to proceed before a magistrate judge on March 25, 2008.

13. Other References:

The underlying dispute is subject to mandatory contractual binding arbitration. All other claims or causes of action should be stayed until after the arbitration.

14. Narrowing of Issues:

The parties believe it is premature to narrow the issues through stipulation at this time. However, as discovery progresses, the parties will re-evaluate this issue.

15. Scheduling:

The parties do not believe this case should be handled on an expedited basis.

Plaintiffs' proposed scheduling:

Plaintiffs propose the following schedule for discovery, motions and trial:

Exchange of Initial Disclosures:	June 18, 2008
FRCP 26(a)(2) expert disclosures:	February 26, 2009
FRCP 26(a)(2) rebuttal disclosures:	March 12, 2009
Non-expert discovery cut-off:	March 12, 2009
Expert Discovery cut-off:	April 9, 2009
Dispositive pre-trial motion filing cut-off:	May 14, 2009
Dispositive pre-trial motion hearing cut-off:	June 25, 2009
Pretrial conference statements:	July 21, 2009
Pretrial conference:	July 30, 2009

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Allstate's proposed scheduling:

If a stay is not granted, Allstate proposes the following schedule for discovery, motions and trial to allow the parties to conduct the arbitration:

Exchange of Initial Disclosures:	June 18, 2008
FRCPP 26(a)(2) expert disclosures:	February 26, 2010
FRCPP 26(a)(2) rebuttal disclosures:	March 12, 2010
Non-expert discovery cut-off:	March 12, 2010
Expert Discovery cut-off:	April 9, 2010
Dispositive pre-trial motion filing cut-off:	May 14, 2010
Dispositive pre-trial motion hearing cut-off:	June 25, 2010
Pretrial conference statements:	July 21, 2010
Pretrial conference:	July 30, 2010

16. Trial:

Plaintiffs request a trial date of August 30, 2009.

Allstate requests a trial date of August 30, 2010.

17. Disclosure of Non-Party Interested Entities or Persons:

Allstate is not aware of any interested parties required to be disclosed pursuant to Northern District Local Rule 3-16.

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1 Dated: June 18, 2008

Respectfully Submitted,

2 LAW OFFICE OF LEANDRO DURAN

3
4 By /s/ LEANDRO H. DURAN
LEANDRO H. DURAN

5 Attorneys for Plaintiffs
6 KATTY VALLE, IVANIA RAMIREZ, JANET
7 RAMIREZ, and ZENEYDA BALTOANO

8 Dated: June 18, 2008

SONNENSCHN NATH & ROSENTHAL LLP

9
10 By /s/ JEFFRY BUTLER
JEFFRY BUTLER

11 Attorneys for Defendant
12 ALLSTATE INSURANCE COMPANY

13
14 Dated: June 18, 2008

GAVIN & CUNNINGHAM

15
16 By /s/ WILLIAM GAVIN
WILLIAM GAVIN

17 Attorneys for Defendant
18 ALLSTATE INSURANCE COMPANY

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20
21 **[PROPOSED] CASE MANAGEMENT ORDER**

22 The Case Management Statement and Proposed Order is hereby adopted by the Court as
23 the Case Management Order for the case and the parties are ordered to comply with this Order.

24 In addition, the Court orders:

25
26
27 Dated: _____

Hon. Charles R. Breyer